

# HOUSE BILL No. 1219

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-4-5-1; IC 22-4-14-1.

**Synopsis:** Unemployment insurance. Excludes from remuneration of services, for the purpose of determining income that is deductible from unemployment insurance benefits, compensation made by a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement. Specifies that a person who: (1) accepts an early retirement offer or other compensation offered by an employer to avert or lessen the effect of a layoff or plant closure; and (2) otherwise meets the eligibility requirements; is entitled to receive unemployment insurance benefits in the same amounts, under the same terms, and subject to the same conditions as any other unemployed person.

**Effective:** July 1, 2008.

**Tyler, Stilwell**

January 14, 2008, read first time and referred to Committee on Labor and Employment.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1219

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 22-4-5-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) "Deductible income"  
3 wherever used in this article, means income deductible from the weekly  
4 benefit amount of an individual in any week, and shall include, but  
5 shall not be limited to:  
6       (1) remuneration for services from employing units, whether or  
7       not such remuneration is subject to contribution under this article,  
8       except as provided in subsection (c);  
9       (2) dismissal pay;  
10       (3) vacation pay;  
11       (4) pay for idle time;  
12       (5) holiday pay;  
13       (6) sick pay;  
14       (7) traveling expenses granted to an individual by an employing  
15       unit and not fully accounted for by such individual;  
16       (8) net earnings from self-employment;  
17       (9) payments in lieu of compensation for services;

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(10) awards by the national labor relations board of additional pay, back pay, or for loss of employment; or any such payments made under an agreement entered into by an employer, a union, and the National Labor Relations Board; or

(11) payments made to an individual by an employing unit pursuant to the terms of the Fair Labor Standards Act (Federal Wage and Hour Law, 29 U.S.C. 201 et seq.).

(b) Deductible income shall not include the first three dollars (\$3), or twenty percent (20%) of the claimant's weekly benefit amount rounded to the next lowest dollar, whichever is the larger, of remuneration paid or payable to an individual with respect to any week by other than ~~his~~ **the individual's** base period employer or employers.

(c) For the purpose of deductible income only, remuneration for services from employing units does not include:

(1) bonuses, gifts, or prizes awarded to an employee by an employing unit; or

**(2) compensation made by a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement.**

SECTION 2. IC 22-4-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as provided in subsection (b) or (c), an unemployed individual shall be eligible to receive benefits with respect to any week only if ~~He~~ the individual has made a claim for benefits in accordance with the provisions of IC 1971, 22-4-17-1 hereof. Provided, however, That IC 22-4-17.**

**(b) A person accepting who:**

**(1) accepts a layoff under an inverse seniority clause of a validly negotiated contract; ~~he~~ and**

**(2) otherwise meets the eligibility requirements established by this article;**

**is entitled to ~~all~~ receive benefits in the same amounts, under the same terms, and subject to the same conditions** as any other unemployed person. ~~under the terms of this article. Provided, That he meets the other requirements of this article.~~

**(c) A person who:**

**(1) accepts an early retirement offer or other compensation offered by an employer to avert or lessen the effect of a layoff or plant closure; and**

**(2) otherwise meets the eligibility requirements established by this article;**

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1 is entitled to receive benefits in the same amounts, under the same  
2 terms, and subject to the same conditions as any other unemployed  
3 person.

4 SECTION 3. [EFFECTIVE JULY 1, 2008] IC 22-4-5-1 and  
5 IC 22-4-14-1, both as amended by this act, apply to initial claims  
6 for unemployment filed for a week that begins after June 30, 2008.

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